

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TONY W. SEAY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 7:16-cv-00295
)	
NANCY A. BERRYHILL,)	By: Elizabeth K. Dillon
Acting Commissioner of Social Security,)	United States District Judge
)	
Defendant.)	

ORDER AND FINAL JUDGMENT

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on August 8, 2017, recommending that the plaintiff's motion for summary judgment be denied,¹ that the Commissioner's motion for summary judgment be granted, and that a final judgment be entered affirming the Commissioner's decision denying the plaintiff's SSI application.

No objections to the report and recommendation have been filed, and the time for doing so has passed. The court is of the opinion that the report and recommendation should be adopted in its entirety. It is accordingly ORDERED as follows:

1. The August 8, 2017 report and recommendation (Dkt. No. 23) is ADOPTED in its entirety;
2. The plaintiff's motion for summary judgment (Dkt. No. 15) is DENIED;
3. The Commissioner's motion for summary judgment (Dkt. No. 17) is GRANTED;

¹ Plaintiff, who is *pro se*, filed what has been docketed as a "brief," but is really just a two-page document with attached medical records discussing his medical ailments. (Dkt. No. 15 .) Nonetheless, as explained by the Magistrate Judge in his R&R, the brief has been liberally construed as a motion for summary judgment. (R&R at 1 n.2.)

4. The Commissioner's decision is AFFIRMED; and

5. This matter is STRICKEN from the active docket of the court.

The Clerk is directed to send a copy of this order to all counsel of record and to mail a copy to Mr. Seay.

Entered: August 30, 2017.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge